

NOV 7 1978

Memphis, Tenn. SFChronicle

James Earl Ray's Lawyers Tell

James Earl Ray's lawyer said yesterday the convicted assassin of Martin Luther King Jr. is entitled to a new trial under Tennessee law, and the lawyer will request one in Criminal Court within the next two weeks.

Lawyer-author Mark Lane said in a speech to Memphis State University law students that he will rely on a section of the Tennessee

Code that requires a new trial if the trial judge dies before he disposes of the case.

Judge W. Preston Battle, who accepted Ray's guilty plea, died shortly after Ray was sent to prison.

Lane refused to get more specific about his motion for a trial after he told the law students there are grounds to grant the motion in Section 17-117 of the Tennessee Code.

That section states that when a vacancy in the office of trial judge occurs "after verdict but prior to the hearing of the motion for new trial, a new trial shall be granted the losing party."

But Charles Galbreath, another lawyer for Ray and former state Court of Criminal Appeals judge, said state courts, excluding the Supreme Court, denied Ray a full trial on the section Lane cited because they ruled Ray's guilty plea

Grounds for a New Trial

had been made voluntarily.

"That's what Ray was trying to do — that his was coerced," Galbreath said. "He was entitled to a new trial. But the Supreme Court never addressed that issue. We want to use this as the basis."

The issue, he said, will be taken up in a civil suit that will be filed shortly.

"Once we get a new trial, it becomes a burden on the state to

prove guilt," said Duncan Ragsdale, a Lane associate who also appeared at the Law School forum.

Lane and Ragsdale said the state of Tennessee has little real evidence linking Ray with the King slaying in 1968.

Ray was sentenced to 99 years in prison after pleading guilty to the killing in 1969. He later recanted his guilty plea and asked for a full trial.

Associated Press